IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 137 OF 2004.

Sambhaji Vishnu Patil & ors. ... Appellants.
Versus.
Maruti Rama Nevrekar & anr. ... Respondents.

Shri N.V.Bandiwadekar for the Appellants.

CORAM : ABHAY S.OKA, J.
DATED : 21st July, 2006.

P.C.:

1. Heard Shri Bandiwadekar for the Appellants. The Appellants are the original Defendants. The trial Court decreed the suit in favour of the original Plaintiffs. The Appeal preferred by the Appellants has been dismissed.

2. Shri Bandiwadekar appearing for the Appellants submitted that the Courts below relied upon the report of the Court Commissioner though the Court Commissioner has not executed the order of the Court properly.

3. After hearing heard Shri Bandiwadekar for the Appellants and after perusing the impugned Judgments, I find that the findings which are recorded by the Courts below are based on appreciation of the oral and documentary evidence on record. The Courts have considered objections raised to the Commissioner's report. No substantial questions of law arises. The Second Appeal is dismissed.

Judge.